

### **REMARKS**

Claims 8 and 21-30 are pending in the above-identified application. Claims 8 and 21-30 is rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang et al. (U.S. Pat. No. 7,177,862; hereinafter referred to as “Zhang”) in view of Sedukhin (U.S. Pat. Pub. No. 2004/0030627). Applicants submit that these remarks traverse all the Examiner’s outstanding and rejections. Allowance of all the remaining claims is therefore respectfully solicited.

#### **Rejections Based on §103(a)**

Claims 8 and 21-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang in view of Sedukhin. Briefly stated, Applicants claimed subject matter enable a **search requestor** to choose among service providers based upon Quality of Service (QoS) information. For the reasons stated below, neither Zhang nor Sedukhin, which were cited for the first time in the Final Office Action dated July 20, 2009 (FOA), teach or suggest this particular functionality, either alone or in combination.

The FOA concedes that Zhang does not disclose obtaining by the search requestor a “service search result from the management site including information for determining the quality of services,” relying upon Sedukhin for this particular element (p. 3, lines 7-12). However, Sedukhin does not suggest this element. Specifically, Sedukhin is directed to providing Quality of Service information to a management console rather than the search requestor. The cited portion of Sedukhin states:

Another tool, WS Management Tool 48 is the WS Management Console (WSMC). This tool contacts Publishing/Processing Facility 52 and Subscription/Invocation Facility 54 to interrogate runtime details about deployed and integrated WS. Tool 48 uses Registration/Discovery Facility 50 to monitor the SR 12. Generic runtime information about WS and SR 12 is displayed by WSMC. Tool 48 also generates QoS analysis reports for particular deployed or integrated WS and SR repository.

(¶[0067]). Clearly, Sedukin only describes QoS information in conjunction with WS Management Console (WSMC) 48 and, therefore, does not suggest transmitting QoS information to the search requestor.

During an Examiner Interview conducted on November 9, 2009, the Examiners agreed that the issue deserved another review but argued that only claim 24 includes the limitation that the search provider receives QoS information. Applicants submit that independent claims 8 and 27 also include a similar limitation. Specifically, both claims 8 and 27 include “obtaining by the search requestor a service search result from the management site including information for determining the quality of services from a provider site.” Therefore, arguments that apply to claim 24 apply equally well to claims 8 and 27. In addition to the reasons stated above with respect to claims 8, 24 and 27, claims 21-23, 25, 26 and 28-30 are allowable because each depends upon one of the allowable independent claims.

To anticipate a claimed invention under §103(a), all the claim limitations must be taught or suggested by the prior art. (M.P.E.P., §2143.03, citing *in re Royka*, 490 F.2d 981; 180 U.S.P.Q. 580 (CCPA 1974)). In addition, “All words in a claim must be considered in judging the patentability of that claim against prior art.” (*Id.*, citing *In re Wilson*, 424 F.2d 1382, 1385; 165 U.S.P.Q. 494, 496 (CCPA 1970); *emphasis added*). Applicants believe that the cited art fails to meet this standard. For the reasons above, claims 8 and 21-30 are allowable over the cited art. Therefore, Applicants respectfully request withdrawal of the §103(a) rejections of claim 8 and 21-30.

### CONCLUSION

In light of the amendments and remarks made herein, Applicants submit that the pending claims are allowable and earnestly solicits notice thereof. Applicants are not conceding in this application that the unamended claims are not patentable over the art cited by the Examiner, as the claim amendments have only been for facilitating expeditious prosecution of the allowable subject matter. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation and/or divisional patent applications. A Request for a One-Month Extension of Time to file this Amendment by November 20, 2009 is being filed and paid for concurrently with this filing. It is believed that no other fees are due with the filing of this Request for Reconsideration. However, should any other fees be due, the Commissioner is hereby authorized to charge such fees to the deposit account of IBM Corporation, Deposit Account No. 09-0447.

Respectfully submitted,

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